

REMARKS

This response is accompanied by a Petition for Extension of Time extending the period for response by one month from September 28, 2006 to October 28, 2006. Since October 28, 2006 was a Saturday, the period of response is extended to the next business day, or Monday, October 30, 2006.

The above amendments and these remarks are responsive to the Office action dated June 28, 2006. Claims 1-48 are pending in the application. In the Office action, the Examiner rejected:

claims 1 and 26 on the ground of nonstatutory obviousness-type double patenting over claims 1 and 10 of copending Application No. 10/825,442;

claims 16, 17 and 40 under 35 U.S.C. § 112, second paragraph as including terms not having antecedent basis;

claims 1-12, 16, 18, 26-36, and 41 under 35 U.S.C. § 102(b) as being anticipated by Collins et al. (5,455,590) (hereafter Collins);

claims 13-15 and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Collins; and

claims 19-25 and 42-48 under 35 U.S.C. § 103(a) as being unpatentable over Collins in view of Keller (2004/0263379) (hereafter Keller).

In the above amendments, the title is changed for consistency with the claims, and claims 1-3, 6-9, 12, 16, 17, 19-22, 26, 27, 31-34, 36, 40, and 42-45 are amended. Claims 1-48 remain pending in the application.

In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections Based on Double Patenting

Applicants acknowledge the provisional double patenting rejection of original claims 1 and 26 on the basis that the Office considers these claims to be unpatentable over claims 1 and 10 of copending Application No. 10/825442. In view of the fact that both applications also have other rejections and the referenced claims are being amended in both applications, applicants have not submitted a terminal disclaimer at this time, but will submit a terminal disclaimer at the time there is

allowance of one of the applications, so long as amended claims 1 and 26 are still considered to be unpatentable over amended claims 1 and 10 of Application No. 10/825442.

Rejections under 35 U.S.C. § 112

Original claims 16, 17 and 40 under 35 U.S.C. § 112, second paragraph were rejected as including terms not having antecedent basis. In particular, claims 16 and 40 recited "the first object information", for which there was no antecedent basis. These claims have been amended to provide antecedent basis for this term.

Claim 17 also was rejected as not having antecedent basis for "the second moving mechanism." Antecedent basis did exist prior to the assumed change in dependency of claim 16 made by the Office. Claim 17 as originally provided did have antecedent basis for the referenced term. With the amendment of claim 16 and continuation of the original dependency of claim 16, claim 17 as originally filed does not suffer from a lack of antecedent basis for this term. Accordingly, no amendment was made to claim 17.

Rejections under 35 U.S.C. § 102

Original claims 1-12, 16, 18, 26-36, and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by Collins. Claim 1 is directed to a surveillance system comprising a first sensor apparatus adapted to transmit toward and receive from a subject in a subject position, first electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz, from positions spaced from the subject position, the subject including at least a portion of a person in a subject position and detectable objects carried by the person, the first sensor apparatus producing from the received radiation, a first image signal representative of a first image of at least a portion of the subject; a source of subject information data about the subject that is relatable to objects potentially carried by the person, the source being of a type that is different from the first sensor apparatus; and a controller adapted to control operation of the first sensor apparatus, and to produce, from the produced image signal, image data representative of the image of the at least a portion of the subject, to relate the image data to the subject information data, and to produce

relational information data relating the image data and the subject information data.

Collins discloses a holographic surveillance system in which video cameras image the subject and the video image is displayed next to an holographic image produced from the surveillance of the subject because the identity of the person can not be determined from the holographic image. There is no processing of the video image data to detect any features that may be relatable to an object potentially carried by the person surveilled. Column 10, lines 16-36. Collins thus leaves it up to an operator to relate the visual image and the holographic image and to draw conclusions from any relating that the operator performs. Consistent with the fact that no surveillance system is needed to visually see what objects a person is caring (the operator can visually make that determination), the surveillance system of Collins only passively records the visual image of the subject for identification of the person associated with the holographic image.

The system of Collins does not produce any relational information data relating the two sets of image data. The system of Collins produces the two sets of image data, and processes only the holographic image data to identify objects. There is then no relating that object image data to the video image data to produce relational information data. The Collins system does not process the video image to produce subject information data about the subject that is relatable to objects potentially carried by the person. The surveillance system of Collins also does not relate the image data to the subject information data, and correspondingly does not produce relational information data relating the image data and the subject information data. In other words, Collins does not disclose or suggest processing the video data and the holographic image data to produce relational information data, such as produce data indicative of a conclusion or inference about the subject. The purpose and use of the video image is to record features of the person rather than objects potentially carried by the person. Collins uses only the holographic image to identify objects, and the video image data is not related to the holographic image data by the system at all.

In order for there to be anticipation under 35 U.S.C. § 102, the identified reference must contain all of the claimed features. Collins does not disclose all of

the claimed features of the invention claimed in claim 1. Accordingly, applicants submit that withdrawal of the rejection of claim 1 is appropriate. Additionally, claims 2-12, 16, and 18 depend from claim 1 and, along with the other claims that depend from claim 1, are patentable for at least the reasons that claim 1 is patentable over Collins.

Claim 26 is directed to a method of surveilling a subject in a subject position, the subject including a person and objects carried by the person, comprising transmitting toward a subject in a subject position, first electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz, from positions spaced from the subject position, the subject including at least a portion of a person in a subject position and detectable objects carried by the person; receiving from the subject reflected transmitted radiation; producing from the received radiation, a first image signal representative of a first image of at least a portion of the subject; storing subject information data about the subject that is relatable to objects potentially carried by the person, the subject information data not being derived from the image signal; producing, from the produced image signal, image data representative of the image of the at least a portion of the subject; relating the image data to the subject information data; and producing relational information data relating the image data signal and the subject information data.

As discussed above, Collins discloses only a surveillance system in which video images of the subject are passively recorded and displayed next to a holographic image in order to allow the operator of the system to identify the person associated with the holographic images. The Collins system does not relate the video image data with the holographic image data, and also does not produce relational information data relating the video data and the holographic image data.

Since Collins does not disclose all of the claimed features of the invention claimed in claim 26, there is no anticipation under 35 U.S.C. § 102. Accordingly, applicants submit that withdrawal of the rejection of claim 26 is appropriate. Additionally, claims 27-36 and 41 depend from claim 26 and are patentable, along with the other claims that depend from claim 26, for at least the reasons that claim 26 is patentable over Collins.

Rejections under 35 U.S.C. § 103

Original claims 13-15 and 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Collins. Claims 13-15 depend from claim 1 and claims 37-40 depend from claim 26. As discussed above, Collins does not disclose all of the claimed features of the invention claimed in claim 1 or the invention claimed in claim 26.

Further, there is no motivation, suggestion or teaching in Collins to use the video data to do anything other than display it so that an operator can identify the face of the person being surveilled. Video cameras only image the visual subject, and record only what the operator sees. The video camera thus does not provide any information that the operator is not able to determine by simply viewing the subject. Since Collins is silent as to relating the visual image data to the holographic image data, the video image is redundant to personal information already obtained by the operators controlling movement of the subject. Collins relies on the holographic image to identify objects not visible to the operators, so there is no reason to scan the subject with the video camera, nor is there any motivation to produce relational information data relating the two sets of image data.

Applicants submit that there is no suggestion, teaching or motivation disclosed in Collins to provide the claimed features, as is required in order for the claimed inventions to be considered obvious under 35 U.S.C. § 103. Accordingly, applicants submit that withdrawal of the rejection of claims 13-15 and 37-40 is appropriate.

Original claims 19-25 and 42-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Collins in view of Keller. Claims 19-25 depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable over Collins, as discussed above. Similarly, claims 42-48 depend from claim 26 and are patentable for at least the reasons that claim 26 is patentable over Collins, as discussed above. The Office action states that Collins discloses a sensor apparatus, i.e., the video cameras, adapted to detect a feature identifying the person. Applicants submit that neither the video cameras nor the surveillance system as a whole do not detect a feature in the video image data identifying the person. As

discussed above, the video cameras only record a visual image of the person, and no features of the video image are detected. The visual image is passively recorded and displayed, but without detection of any features. Collins leaves it up to the operator viewing the video image to detect features identifying the person.

Keller is cited as disclosing claimed context information. In paragraph 0074, lines 15-31, Keller describes a use of the surveillance system as simply a form of biometric identifier, rather than an object identifier. Keller states that it can be used with other biometric devices to identify the person. This is nothing more than an extension of conventional security access systems that scan features of a person, such as a finger print, to confirm the identify of a person. Keller makes the point that this application is distinct, i.e., a different embodiment, from a system used for object identification. Accordingly, it is an application distinct from using the claimed context information data with data defining a policy regarding concealed objects potentially carried by the surveilled person.

For these reasons, applicants submit that Collins in view of Keller does not teach, suggest or motivate the claimed invention. If anything, Keller would lead one skilled in the art to use the system disclosed by Collins to use the holographic image for identity, but this is contrary to what Collins teaches, which is that the holographic image cannot be used for identity. Applicants submit that one skilled in the art, knowing what Collins taught, would not use the holographic image data for identification. As a result, the inventions claimed in claims 19-25 and 42-48 are patentable over Collins in view of Keller under 35 U.S.C. § 103(a). Applicants submit that it is appropriate to withdraw the rejection of claims 19-25 and 42-48 as being unpatentable over Collins in view of Keller.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

**CERTIFICATE OF ELECTRONIC
SUBMISSION**

I hereby certify that this correspondence is being submitted electronically via the United States Patent & Trademark Office EFS-Web System on October 30, 2006.

_____/Tammy M. Yasrobi/
Tammy M. Yasrobi

Respectfully submitted,

KOLISCH HARTWELL, P.C.

_____/Edward B. Anderson/
Edward B. Anderson
Registration No. 30,154
Customer No. 23581
Attorney for Applicants
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679